

**REMARKS**

**A. The Section 112 Rejections**

Claims 8, 16 and 25 were rejected under 35 U.S.C. § 112, second paragraph, the Examiner objecting to the Applicants use of the word “substantially”. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

The CCPA and Federal Circuit have specifically held that the use of the word “substantially” does not render claims indefinite. See, for example, MPEP §2173.05 (b)D, *In re Mattison*, 509 F.2d 563 (CCPA 1975) and *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819 (Fed. Cir. 1988).

In addition, the Applicants submit that one of ordinary skill in the art would understand the meaning of preventing the transmission of beacon messages “substantially simultaneously” in these claims because the transmission of beacon messages, in general, is well understood in the art.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 8, 16 and 25.

**B. The Section 102 Rejections**

Claims 1, 9 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Benveniste, U.S. Patent Application Publication No. 2006/003928 (“Benveniste”). Applicants respectfully disagree and traverse

these rejections for at least the following reasons.

Claims 1, 9 and 18 each include the features of: (a) identifying a set of non-interfering access points; and (b) allowing only the identified set of non-interfering access points to transmit during a Contention-Free Period (CFP) slot, among other features.

In contrast, Benveniste does not disclose or suggest either (a) or (b). In the Office Action the Examiner refers the Applicants to paragraph [0017] of Benveniste as supposedly disclosing feature (a). However, no such feature is disclosed therein (or elsewhere in Benveniste). This paragraph appears to be directed at known methods of accessing a medium access control (MAC) layer. Though it appears that Benveniste discusses interfering access points (APs) it does not appear as if Benveniste recognizes the need to first identify non-interfering sets of APs prior to the transmission of packets and the like.

As for feature (b), the Office Action does not provide a citation for where Benveniste discloses such a feature and, as far as Applicants can determine, there is none to be found in any event. For the most part it appears that Benveniste is directed at the adjustment of a so-called "contention window" in a Contention Period. There is no disclosure or suggestion in Benveniste of allowing only an identified set of non-interfering access points to transmit during a *Contention-Free Period*.

Accordingly, Applicants respectfully request withdrawal of the rejections

and allowance of claims 1, 9 and 18.

**C. The Section 103 Rejections**

Claims 2-8, 10-17 and 19-25 were rejected under 35 U.S.C. § 103(a) as being anticipated by Benveniste in view of U.S. Patent Application Publication No. 2006/0050730 to Shvodian ("Shvodian"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note that all of these claims depend on either claim 1, 9 or 18 above and, therefore, are patentable over Benveniste and Shvodian for the reasons set forth above and because Shvodian does not make up for the deficiencies of Benveniste.

Further, the combination of Benveniste and Shvodian fails to disclose or suggest other features of these claims as well.

For example, with respect to claims 3, 11 and 20 Shvodian does not disclose or suggest the assignment of one or more divided slots of a CFP to an access point which is allowed to transmit based on the number of users associated with the access point. Instead, Figure 7 of Shvodian (relied on by the Examiner) assigns slots to one of two controllers without regards to the number of users associated with a controller.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 2-8, 10-17 and 19-25.

Should there be any other outstanding matters that need to be resolved

in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

By: 

John E. Curtin, Reg. No. 37,602

P.O. Box 1995  
Vienna, Virginia 22183  
(703) 266-3330